

Applicant : William L. Scolnik
Serial No. : 10/665,050
Response to Office Action of May 18, 2004

Date: 6/3/04
Art Unit: 3751

REMARKS/ARGUMENTS

Favorable reconsideration is respectfully requested in view of the above amendments and the following discussion.

Claim 3 has been rewritten in independent form, including all of the limitations previously presented in the claim. Accordingly, it is respectfully submitted that the objection to claim 3 is obviated and claim 3 now is allowable. In addition, claim 4, which depends from claim 3, should also be allowable.

Claims 14 and 15 have been canceled.

Claims 1, 2, 7, 13, 16 and 17 have been rejected under 35 U.S.C. 102(b) as being anticipated by Kunii (4,377,349). The Kunii patent is directed to a ball point pen in which a freely sliding weight moves to place the writing point in either a retracted position or an advanced, writing position. When the pen is oriented for writing movements in the hand of an individual, the weight is placed at a single location, against a stop (10) which fixes the position of the weight along a writing cartridge and biases the cartridge into the writing position. Thus, the weight serves as an actuator which moves the cartridge between the retracted and advanced positions.

The subject matter of present claims 1, 2, 7, 13, 16 and 17 includes an arrangement and a method for balancing a writing

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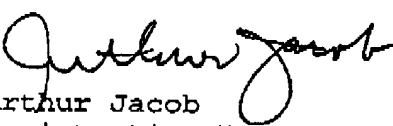
implement for writing movements in the hand of an individual by placing a weight at a selected one of several locations available when the writing implement is oriented for writing movements so as to place the center of gravity of the writing implement at a selected position relative to the grip of the implement and thereby establish a balance suited to the hand of the individual manipulating the writing implement during writing movements. The Kunii reference is devoid of any showing or any suggestion of a mechanism or a method which can attain the result set forth in the present claims. In Kunii, the weight is freely moveable between two fixed positions, one for retracting the cartridge when the pen is not oriented for writing, and one for advancing the cartridge when the pen is oriented for writing. Kunii does not provide at least several selectable positions of the weight when the pen is oriented for writing and suggests no need to do so since the weight is provided for the purpose of advancing the cartridge into a writing position and for no other purpose. Accordingly, the disclosure in Kunii neither anticipates nor renders obvious the subject matter of the present claims and it is respectfully requested that the rejection based upon Kunii be withdrawn and that claims 1, 2, 16 and 17, as well as dependent claims 5 through 13, be allowed.

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It is respectfully submitted that all of the claims now in the present application set forth subject matter which clearly is patentable over the prior art. It is respectfully requested that all of the claims be allowed and that the application be passed to issue. Please note that the application has been granted special status.

Respectfully submitted,


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